



PATENT  
Attorney Docket No.: MEDIV2010-5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kornowski et al. Art Unit: 3763  
Application No.: 10/776,545 Examiner: Not Yet Assigned  
Filing Date: February 10, 2004 Confirmation No.: 3121  
Title: INTRAMYOCARDIAL INJECTION OF AUTOLOGOUS BONE  
MARROW

Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Sir:

Transmitted herewith for filing in connection with the above-identified patent application,  
please find the following:

- (1) Request for Corrected Filing Receipt; (2 pgs)
- (2) Copy of Filing Receipt reflecting changes; (2 pgs)
- (3) Copy of DIV Transmittal; (3 pgs) and
- (4) Return postcard.

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are  
being deposited with the United States Postal Service as first class  
mail on this date, 2-18-05, in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-  
1450

YINIA NADAR

(Name of Person mailing Paper)

[Signature] 2-18-05  
(Signature of Person Mailing Paper) Date

In re Application of:  
Kornowski et al.  
Application No.: 10/776,545  
Filed: February 10, 2004  
Page 2

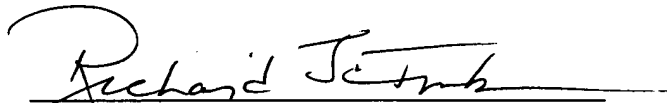
PATENT  
Attorney Docket No.: MEDIV2010-5

No fee is deemed necessary in connection with the filing of this paper. However, if any fee is required, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 50-1355. A copy of this Transmittal Letter is enclosed.

Respectfully submitted,

Date:

February 18, 2005



Richard J. Imbra  
Registration No. 37,643  
Telephone: (858) 677-1496  
Facsimile: (858) 677-1465

**USPTO CUSTOMER NO. 28213**

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, California 92121-2133



PATENT  
Attorney Docket No.: MEDIV2010-5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                  |   |                   |                  |
|------------------|---|-------------------|------------------|
| Applicants:      | Kornowski et al.                                    | Art Unit:         | 3763             |
| Application No.: | 10/776,545  | Examiner:         | Not Yet Assigned |
| Filing Date:     | February 10, 2004                                   | Confirmation No.: | 3121             |
| Title:           | INTRAMYOCARDIAL INJECTION OF AUTOLOGOUS BONE MARROW |                   |                  |

Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CORRECTION OF FILING RECEIPT**

Sir:

This Communication is submitted to request correction of the filing receipt in reference to the above-identified application. The data requiring correction is indicated in yellow highlight on the attached copy of the filing receipt and herein in **BOLD**.

Please correct inventor's Last Name from "Komowski" to **-Kornowski-**.

Applicants accordingly request the correction be made of record.

| CERTIFICATION UNDER 37 CFR §1.8  |                |
|--|----------------|
| I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <u>2-18-05</u> , in an envelope addressed to:<br>Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 |                |
| <u>Yinia Nazer</u>   |                |
| (Name of Person mailing Paper)   |                |
| <u>[Signature]</u>   | <u>2-18-05</u> |
| (Signature of Person Mailing Paper)  | Date           |

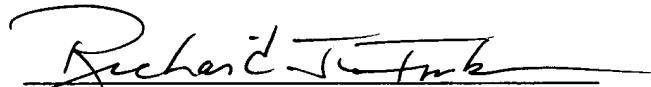
In re Application of:  
Kornowski et al.  
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Page 2

PATENT  
Attorney Docket No.: MEDIV2010-5

No fee is deemed necessary in connection with the filing of this paper. However, if any fee is required, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 50-1355.

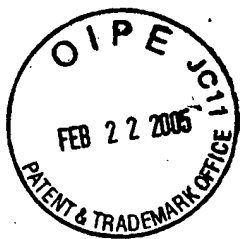
Respectfully submitted,

Date: February 18, 2005

  
Richard J. Imbra  
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**USPTO CUSTOMER NO. 28213**

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O] 858-677-1456  
F] 858-677-1465

February 10, 2004

**ATTORNEY DOCKET NO.: MEDIV2010-5**

Parent Application No.: 09/868,411

Parent Filing Date: June 14, 2001

Parent Inventors: Ran Kornowski, Shmuel Fuchs, Stephen E. Epstein and Martin B. Leon

**Mail Stop PATENT APPLICATION**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Presented for filing is a new **Divisional** patent application of:

**APPLICANTS : Ran Kornowski, Shmuel Fuchs, Stephen E. Epstein and Martin B. Leon**

**TITLE : INTRAMYOCARDIAL INJECTION OF AUTOLOGOUS BONE MARROW**

Enclosed are the following papers, including all those required for a filing date under 37 C.F.R. § 1.53(b):

|                                    |    |
|------------------------------------|----|
| Pages of Cover Sheet               | 1  |
| Pages of Specification             | 30 |
| Pages of Claims                    | 11 |
| Pages of Abstract                  | 1  |
| Pages of Declaration (from Parent) | 4  |
| Sheets of Drawing                  | 2  |

"EXPRESS MAIL" Mailing Label Number: EV 318 740 425 US

Date of Deposit: February 10, 2004

I hereby certify under 37 CFR. § 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**JASON BERRY**

(TYPED OR PRINTED NAME OF PERSON MAILING PAPER)

(SIGNATURE OF PERSON MAILING PAPER OR FEE)

SILICON VALLEY SAN DIEGO SAN FRANCISCO AUSTIN SEATTLE SACRAMENTO LA JOLLA WASHINGTON, DC



Docket No.: MEDIV2010-5  
 Mail Stop PATENT APPLICATION  
 February 10, 2004  
 Page Two

This request includes Three (3) sheets and the following:

- Preliminary Amendment (8 pages);
- Information Disclosure Statement (2 pages);
- Forms PTO-1449 (filed in parent application) (4 pages);
- Check No. 553524 in the amount of \$514.00; and
- Return Receipt Postcard.

Under 35 USC § 121, this application is a **divisional** application of U.S. Application Serial No. 09/868,411 filed June 14, 2001, now pending; which is a 35 USC § 371 National Stage application of PCT Application No. US00/08353 filed March 30, 2000; which claims the benefit under 35 USC § 119(e) to U.S. Application Serial No. 60/138,379 filed June 9, 1999, now abandoned and U.S. Application Serial No. 60/126,800 filed March 30, 1999, now abandoned. The disclosure of each of the prior applications is considered part of and is incorporated by reference in the disclosure of this application.

Applicants claim **SMALL ENTITY** status in the above-identified application. Pursuant to 37 CFR. § 1.27, a verified statement claiming small entity status is not required.

The filing fee is calculated as follows:

|   | Number<br>Filed |   | Number<br>Extra |   | Rate            |                 |   | Fee             |                 |
|---|-----------------|---|-----------------|---|-----------------|-----------------|---|-----------------|-----------------|
|   |                 |   |                 |   | Small<br>Entity | Large<br>Entity |   | Small<br>Entity | Large<br>Entity |
| Total Claims  | 17-20           | = | 0               | X | \$09            | \$18            | = | \$ .00          | \$ .00--        |
| Independent Claims  | 6-3             | = | 3               | X | \$43            | \$86            | = | \$ 129.00       | \$ .00          |
| Multiple Dependent<br>Claims Presented: ___ Yes <u>X</u> No |                 |   |                 |   | \$145           | \$290           |   | \$ ---          | \$ ---          |
|   |                 |   |                 |   | BASIC FEE       |                 |   | \$ 385.00       | \$ 770.00       |
|   |                 |   |                 |   | TOTAL FEE       |                 |   | \$ 514.00       |                 |

Enclosed is Check No. 553524 in the total amount of \$514.00; which consists of \$385.00 for the filing fee and \$129.00 for the fee for Three (3) independent claims in excess of 3 independent claims. The Commissioner is hereby authorized to charge any additional fees associated with the filing submitted herewith, or credit any overpayment, to Deposit Account 50-1355, referencing the Attorney Docket number shown above.

**GRAY CARY WARE & FREIDENRICH LLP**



Docket No.: MEDIV2010-5  
Mail Stop PATENT APPLICATION  
February 10, 2004  
Page Three

If this application is found to be INCOMPLETE, or if it appears that a telephone conference would helpfully advance prosecution, please telephone the undersigned at (858) 677-1456.

Please send all correspondence to:

June M. Learn  
**GRAY CARY WARE & FREIDENRICH LLP**  
4365 Executive Drive, Suite 1100  
San Diego, CA 92121-2133  
Telephone: (858) 677-1416  
Facsimile: (858) 677-1465

A duplicate copy of this transmittal letter is attached. Kindly acknowledge receipt of this application by returning the enclosed postcard.

Respectfully submitted,

**GRAY CARY WARE & FREIDENRICH LLP**

February 10, 2004

Date

*June M. Learn*

June M. Learn

Registration No. 31,238

Telephone: (858) 677-1416

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**USPTO CUSTOMER NUMBER 28213**

JML:ag  
Enclosures



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| APPL NO.   | FILING OR 371<br>(c) DATE | ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLMS | IND CLMS |
|------------|---------------------------|----------|---------------|-----------------|----------|----------|----------|
| 10/776,545 | 02/10/2004                | 3763     | 514           | MEDIV2010-5     | 2        | 17       | 6        |

CONFIRMATION NO. 3121

28213

GRAY CARY WARE &amp; FREIDENRICH LLP

4365 EXECUTIVE DRIVE

SUITE 1100

SAN DIEGO, CA 92121-2133

PATENT DOCKETING

MAY 13 2004

## FILING RECEIPT



\*OC000000012575724\*

Date Mailed: 05/10/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

KORNOWSKI

Ran Kornowski, Ramat Hasharon, ISRAEL;

Shmuel Fuchs, Rockville, MD;

Stephen E. Epstein, Rockville, MD;

Martin B. Leon, New York, NY;

## Domestic Priority data as claimed by applicant

This application is a DIV of 09/868,411 06/14/2001  
 which is a 371 of PCT/US00/08353 03/30/2000  
 which claims benefit of 60/138,379 06/09/1999  
 and claims benefit of 60/126,800 03/30/1999

## Foreign Applications

If Required, Foreign Filing License Granted: 05/08/2004

Projected Publication Date: 08/19/2004

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*



**Title**

Intramyocardial injection of autologous bone marrow

**Preliminary Class**

604

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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**NOT GRANTED**

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